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An Important European Mission
to investigate
American Immigration Conditions
and
John Quincy Adams' Relation thereto
(1817—1818)

By

MAX J. KOHLER, A. M. LL. B.



Reprinted from Deutsch-Amerikanische Geschichtsblätter,
Jahrbuch der Deutsch-Amerikanischen Historischen
Gesellschaft von Illinois—Jahrgang 1917
(Vol. XVII.)

IMMIGRATION

1817—1818

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AN IMPORTANT EUROPEAN MISSION TO INVESTIGATE AMERICAN IMMIGRATION CONDITIONS AND JOHN QUINCY ADAMS' RELATIONS THERETO (1817-1818).

By MAX J. KOHLER, A.M., LL.B.

While America has sent numerous commissions and commissioners to Europe to study immigration conditions during the past few decades, the fact has almost wholly escaped attention that there was an official European mission to the United States for this purpose as early as 1817, which, in fact, resulted in an interesting and valuable report of considerable historical service on methods of transportation of the period and the condition of immigrants here, particularly German immigrants. It is probable that this mission was one of the important factors, leading to the passage of remedial laws in the United States in 1818 and 1819, and which also resulted in measures abroad for removal of many abuses, and that these American and European influences were of value in putting an end about 1819 to the "Redemptioner" system, with the evils of which this mission largely concerned itself. The mission was entrusted to Moritz von Fürstenwärther by his kinsman, Baron von Gagern, who had been prime-minister of the Netherlands and an influential delegate to the Congress of Vienna shortly before, and was a member of the Diet of the German Confederation, as representative of the Dutch state of Luxemburg, at the time that he gave the detailed instructions involved, to von Fürstenwärther, to study and report on American immigration conditions. Von Gagern caused this report, with a copy of his instructions and comments, to be printed under the title *Der Deutsche in Nord-Amerika* (Stuttgart und Tübingen, 1818, 124 pp.), but the booklet has become very rare, (though copies are to be found in the "Library of Congress," and in the "New York Public Library"). It was reviewed by Edward Everett in the "*North American Review*" in 1820 (Vol. 11, p. 1), in an article, the authorship of which was subsequently avowed. Von Gagern caused action upon it to be taken by the German "Bundestag" in 1819, and also secured remedial measures to be adopted by the Netherlands,

and the prosecution there of persons guilty of some of the evils exposed. Von Fürstenwärther's work throws valuable light upon immigration to America just before the fall of the Redemptioner system, and also upon the condition of immigrants here at a period when little systematic information was collected.

In Baron von Gagern's political autobiography, entitled "*Mein Antheil an der Politik*" (Vol. III *Der Bundestag*; Stuttgart and Tübingen 1830, pp. 151-3), he furnishes some information about Moritz von Fürstenwärther and his family, which is all the more useful, as the report gives very little such, not having been prepared with a view to publication. Von Fürstenwärther belonged to a Bavarian noble family, impoverished by the French Revolution, and his mother was a sister of von Gagern's mother. He studied at the University of Jena, served as a captain of grenadiers during the Napoleonic wars in Spain, and was planning to fight for the revolutionists in South America, when his kinsman and patron, von Gagern, gave him the commission to investigate American immigration, which von Gagern correctly says he did with good judgment. He settled in America and died early.

Von Gagern (Id. p. 145) calls attention to the important circumstance,—which is often overlooked in considering the heavy increase in immigration to the United States during several years antedating September 30, 1819, the beginning of our federal immigration statistics,—that a severe famine in 1816 and 1817 abroad, following closely upon the termination of the Napoleonic wars, greatly augmented this migration. It was then, accordingly, much greater than it had been during the European war period and our War of 1812, and decreased considerably (especially German immigration), when our federal statistics begin.¹

¹ *Niles Register* of this period, (Vols. XI, 32, 127; XII, 365; XIII, 35, 79, 314; XIV, 336, 359, 365, 388, 400; XV, 9, 33; XVI, 298, 378; XVII, 63, 111; XVIII, 388), indicates that immigration to the United States during the first seventeen years of the Nineteenth Century averaged 10,000 per year and was about 30,000 during the years 1817, 1818 and 1819, and in one week in September, 1819 not less than 2,500 and perhaps as many as 3,000 arrived, and it amounted to about 20,000 aliens arriving at the Port of New York, besides about 16,000 returning

Von Gagern gives outlines of the conditions which induced inhabitants of Württemberg, Swabia and the Palatinate in particular to emigrate at this period. We must not overlook, however, the radical change of attitude of German and other states toward emigration, effected by the treaty of Paris, which

Americans, between December, 1818 and December, 1819, confirming von Gagern's statements. S. C. Johnson's valuable *A History of Emigration from the United Kingdom to North America* (p. 344), gives us official figures for British emigration beginning 1815, and distinguished between those sailing for British North America and the United States, thus carrying statistics of immigration via England back several years earlier than our American official figures. According to Johnson, during the four years from 1816 to 1819 there sailed from Great Britain to the United States 42,405 emigrants and 51,837 more to British North America. Attention should, however, be directed to the fact that a very large fraction of the emigrants bound for Canada really were destined to the United States, British laws in force till 1824, as Johnson points out (p. 180), forbidding, under heavy penalties, inducing artificers in British manufactures to go into foreign parts; a statement confirmed by *Niles' Register*, which estimates the number destined to the United States approximately as half those sailing for Canada, most coming over via the St. Lawrence River (Vol. XIV, pp. 380-2; XVII, 111), though in *Niles* the exact reason for this course is not mentioned. Moreover, at this period, the fare from England to Canada was only about one-half that to the United States. Johnson also points out (p. 101-3) that the British figures are incomplete, because of the large number of surreptitious sailings at this period. Kapp's estimates for the first nineteen years of the Nineteenth Century (*Immigration and the Commissioners of Emigration of the State of New York*, p. 12) are thus shown to have been far too low. See also my papers "Some Aspects of the Immigration Problem" (*Am. Econ. Review*, Vol. IV, No. 1, March 1914) reviewing some of these estimates and approving Prof. Ripley's adoption of George Bancroft's statement that already at the time of our Revolutionary War "One-fifth of the population could not speak English, and that one-half at least was not Anglo-Saxon by descent," and particularly the figures of our Census Bureau in *A Century of Population Growth*, as criticized by Prof. A. B. Faust in his *German Element in the U. S.* (I, 280-5) with the co-operation of Prof. Walter F. Willcox. On the other hand, Kapp (Id. p. 12) calls attention to the fact, significant today, that "the difficulty experienced in disposing of property at satisfactory prices, prevented many from leaving the Old World immediately after the close of the Napoleonic Wars," until the outbreak of this great famine. It should be noted that after 1819 immigration became so reduced that the Immigration Commission's Report (Vol. III, pp. 14-15) shows that during the year ending September 30, 1820, the total alien European immigration was only 7691, including only 968 from Germany, and these figures were larger than for the following few years. The circumstance is also commonly overlooked, set forth by Johnson (pp. 16, 356) that a British Commission in 1826 reported in favor of encouraging British and Irish emigration, because of an excess in the laboring population at home, following which immigration to America was promoted there both privately and officially.

authorized departure of inhabitants within a period of six years from territory ceded by France at the end of the Napoleonic wars, and the provisions of the Treaty of Vienna in 1815, in constituting the German Confederation, which provided for free emigration from one German State into others. Until then, in general, with various exceptions, except in the cases of dissenters and Jews, emigration and inducing emigration from German states were forbidden under criminal penalty and the property of the immigrant was forfeited.¹ Of course, given a right to emigrate, the fatherland was no longer vitally interested in the question into which land its former subject was going. Von Gagern (*Mein Antheil*, etc. III, pp. 146-8) brought up the subject of emigration at the German Bundestag, in May, 1817 at the direction of his Government. This was to give notice of the edict promulgated by the Netherlands that, in view of the ever-increasing number of Swiss and Germans, arriving in the Netherlands en route to America, and the disturbances of the public peace resulting from their intermediate sojourn there without adequate means of sustenance, the Dutch Government would permit emigrants to America after June 15th to enter the Netherlands only en route to America, if residents of the Netherlands furnished adequate security for payment of the expenses accruing between such arrival and departure, notification of which von Gagern was requested to have made. The latter at this time also referred to the investigation of American immigration conditions, which he had had instituted and expected to submit to his sovereign. (*Protokolle der deutschen Bundesversammlung*, III, pp. 130-2.) Again, on June 12th, 1817, he called the Diet's attention to the difficulties arising from the return of immigrants from America

¹ Much light on emigration conditions in the chief German States from early times on, is thrown by the valuable work, edited by E. von Phillipovich, entitled *Auswanderung und Auswanderungspolitik in Deutschland* (Schriften des Vereins für Socialpolitik, No. 52; 1892, pp. 479). Of course, this author was unfamiliar with the enormous supply of manuscript material since rendered accessible by Prof. Learned's valuable *Guide to the Manuscript Material Relating to American History in German State Archives*. On the other hand, it is to be regretted that Prof. Learned does not cite von Phillipovich's work, supplementing so valuably the manuscript material by reference to German printed matter.

and the restrictions upon their re-entry into the countries from which they had migrated. The official protocol shows that there was a general discussion of the police regulations of the various states regarding emigrating and returning persons, and the conclusion was arrived at that the subject be called to the attention of the several States for action by them (*Id.*, pp. 201-3; *Mein Anteil*, pp. 148-159).

In his instructions to von Fürstenwärther, von Gagern mentions the fact that the Swiss Government had instructed its consul at Amsterdam to co-operate in this investigation, and von Fürstenwärther reports that the Swiss consul there, Planta, rendered him valuable assistance. Niles' Register, (Vol. 12, p. 365), shows that soon thereafter the Swiss Canton of Basle issued an order to refuse passports to America to any one not possessing 200 florins, doubtless figured as requisite to maintain him until arrival in America,¹ and von Fürstenwärther contrasts the kindness of the Swiss government to its emigrating subjects with that of various German states, and he might have pointed out that some of the German states were among the chief despoilers of their unfortunate emigrating subjects, levying exportation taxes of about 10 per cent. of all the emigrant's possessions upon them.

After von Gagern had ceased to be a member of the German Diet, he caused a copy of von Fürstenwärther's printed report and of the letter from John Quincy Adams hereinafter referred to, to be submitted to the German Diet, in 1819. The documents were considered there (*Mein Anteil*, etc., III., pp. 154-6), *Protokolle*, VIII., 148-150) at the instance of Bavaria's representative, Aretin, who summarized the report and pointed out that, even if emigration was not to be prohibited, it ought to be regulated, so as to mitigate its sufferings: "No Government could view, with equanimity, the impending misfortune of its former subjects, even if caused by their own recklessness. They were its children, even though

¹ Much light on these European regulations is thrown by Prof. Learned's work, as also by the valuable companion work by Prof. Faust on the Swiss and Austrian Archives. A number of other Cantons besides Basle issued such regulations at this time, and it is apparent that von Gagern and Swiss officials co-operated in this investigation.

erring children. Even countries whose subjects were not involved, were concerned, because, besides the dictates of humanity, the matter of national honor was involved." It was accordingly resolved that the printed report in question be accepted as containing valuable material for the amelioration of the condition of German immigrants to America, and that the editor and von Fürstenwärther be accorded the Diet's cordial thanks for their efforts. It was agreed that the subject matter be commended to the careful consideration of the various Governments, and that it be respectfully left to them to initiate appropriate methods for dealing with it, as private agencies cannot be expected to do so, and are unable completely to meet it. Von Phillipovich's and Prof. Learned's works indicate that from this time on, German supervision of emigration in fact became active and systematic. German emigration records date chiefly from this period. It is probable that the restrictions placed at this time by Holland upon this traffic underly Prof. Thomas W. Page's statement, in one of his interesting series of papers on the history of immigration, which he has been contributing to the *Journal of Political Economy* (Vol. 19, p. 732, on *Transportation of Immigrants and Reception Arrangements in the Nineteenth Century*), that the rigor of her regulations substantially eliminated Dutch ports from this traffic, a statement certainly not true of the period before 1819.

Contemporary manuscript material obviously confirms von Gagern and von Fürstenwärther's statements that Holland's ports were at this period the chief ones for transit to America. Compare the following items from Prof. Learned's work (p. 49): "Papers relating to emigration in general and to the privilege of emigrating within six years (the 'sexennium' provided by the Peace of Paris) from all the provinces ceded by France, particularly Schuckmann's letter to the Ministry of Foreign Affairs, December 10, 1816 and the reply."

"Correspondence relating to the great emigration during the Sexennium; some 3,000 wishing to go from Trier alone.
* * * Communication of Schultheis and Dr. Ebermaier to the Oberpräsident Graf von Solms, stating that emigration

from Württemberg, Switzerland and bordering French departments, to Holland, has so increased in the last six weeks, that several thousand have passed down the Rhine and some 80,000 intend to go to America; Laubach, May 9, 1817."

"More correspondence relating to emigration, such as letters of June 6th and 22nd, 1817; and other papers relating to the inspection of passes, from which we learn incidentally that the emigrants from South Germany and Switzerland shipped almost exclusively down the Rhine."

Curiously enough, Prof. Learned seems to have found no trace of von Gagern and von Fürstenwärther's mission, and von Gagern's name does not appear in his "Guide" at all, while von Fürstenwärther is referred to only in connection with a recommendation for his appointment, about 1818, as diplomatic agent of the Hanse towns to the United States (p. 241). This is probably due to the fact that his "Guide" seems to include few, if any, papers of the German Confederation of this date (compare pp. 312, 133), while of course the Dutch Archives were left for treatment elsewhere. The letter from John Quincy Adams of June 4, 1819 to von Fürstenwärther, referred to hereinafter, is, however, unmistakably identifiable, despite its dating as "June 14th, 1819" in the "Guide" (p. 50), though the archives Prof. Learned examined contain merely an "extract" of this document, apparently not bearing the addressee's name. In his interesting Introduction (p. 8) Prof. Learned, however, refers to some subsequent measures of similar purpose: "So great became the interest in the New World, that it seemed impossible to check the emigration. The next question was, how to regulate the emigration of German subjects and to protect them against ill-treatment and fraud on the part of colonizing and shipping agents. In one notable instance, we find a German prince, Bernhard, duke of Saxe-Weimar-Eisenach, visiting the New World to see it with his own eyes, in the years 1825-6. Two years before, in 1823, we find documents relating to the organization of the "American Co., of the Elbe."

To return to von Fürstenwärther's reports, which were in the shape of letters which von Gagern printed without alter-

ation—prefixing an introduction and a copy of his comprehensive instructions, bearing the Dutch official seal (pp. 3-10), to study German and Swiss immigration to America, and methods to mitigate its hardships, with some concluding observations—Fürstenwärther left Frankfurt-on-the-Main on June 17th, 1817, en route to the United States, with letters of introduction to various persons in Europe and America. He wrote from Amsterdam on July 3rd, 1817 that the misery of most of the immigrants there was greater, and their condition more helpless and unprepared, than he had even imagined, and recommended regulation in Europe to ameliorate matters, if emigration was not to be wholly forbidden. He remarks that the Dutch cities were overwhelmed by masses emigrating to America, and called attention to the fact that delays in sailing resulted in consuming the means of those that had brought any money with them, and that they became the victims of fraud, disorder and lack of leadership, advice, assistance and supervision, while there was a shocking barter in human life whenever persons were without means. Inferior agencies engaged in this traffic, some of which he named, and the sudden flood of immigration caused the utilization of all sorts of vessels, that were unadapted for the traffic. For example, he mentions the fact that delay in the sailing of the ship *Neue Seclust* carrying several hundred Swiss to America, resulted in cutting down rations even before sailing, while waiting for more human freight. He calls attention to the interesting circumstance that subjects of Würtemberg had expressly to surrender their rights of citizenship before emigrating from their country, and pay an emigration tax, which the Swiss and Alsatians (pp. 11-13) did not have to do. A sample copy of the contracts of transportation employed, is copied by him, and it appears that the fare for adults, going to the United States, when paid in Amsterdam, was then 170 florins, children over 13 being treated as adults, and those under four were carried free, while those between 4 and 13 paid half rates. More was charged, when the fare was paid in America, and ten days' time to pay after landing was afforded. In case of death after half the voyage was over, the passenger's family was obliged to pay the

passage-money, but if death occurred earlier, the loss fell on the vessel. On arrival in America, the redemptioners, i. e., persons to be redeemed from servitude by payment of the fare, were not to be permitted to leave the vessel without the captain's consent. The contract contained specifications of the food to be furnished each day, but breaches of the contract were often complained of before sailing even. A vessel was referred to, the *Secflug*, bound to America, which had been waiting to sail for five weeks; 400 Würtembergers were aboard, and meantime 28 had died, including 25 infants (pp. 13-16). A number of other and even more shocking cases of heavy losses by death aboard ship are collated by him.

Von Fürstenwärther sailed for New York on the brig "Ohio", and his next letter was dated Philadelphia, October 28, 1817, and referred to the method pursued in disposing of the redemptioners. The captain advertised for prospective employers of the redemptioners, who were thereupon sold or leased for terms of years, upon payment by them of the passage money. Commonly, he observes, members of the German Society of Philadelphia come on board right after arrival. He mentions the fact that five vessels were then anchored off Philadelphia with 500 Redemptioners aboard, who had been waiting several weeks to be disposed of, and that on another vessel, out of 300 immigrants 70 had died before embarkation. It is noted that arrivals from Great Britain, especially England, had increased greatly during the past two years.¹

¹ See Seidensticker's *Geschichte der Deutschen Gesellschaft von Pennsylvania* (1764-1876), Eickhoff's *In der Neuen Heimath*, the Supplement of which is a history of the German Society of New York, and the annual Reports of the Society for the History of Germans in Maryland, particularly No. 2, Hennighausen's *History of the German Society of Maryland* and Lohr's *Das Deutsch Amerikanertum vor 100 Jahren*, in Vol. 14 of the Yearbook of the German American Historical Society of Illinois, for contemporary statements from their records; also Kapp's *Geschichte der Deutschen im Staate New York*; Prof. Faust's work, *supra*; Deffenderffer's *German Immigration into Pennsylvania through the Port of Philadelphia*, Vol. II The Redemptioners; S. H. Cobb's *The Palatine or German Immigration to New York and Pennsylvania*, and *The Story of the Palatines*, Geiser's *Redemptioners and Indented Servants in the Colony and Commonwealth of Pennsylvania*; Ballagh's *White Servitude in the Colony of Virginia*; Byrd: *Slavery and Indentured Servants in Am. Hist. Review* I, 88; Kuhns' *German and Swiss Settlements of Colonial Pennsylvania*; Benjamin

In a letter written in December, 1817, he refers to a consideration of immigration in an interview he had just had with John Quincy Adams, then Secretary of State. His narrative of this interview (pp. 28-9) is interesting, and there is no reason to doubt the substantial accuracy of his account thereof, despite Edward Everett's comments regarding it. In fact, the letter, hereinafter printed, written to von Fürstenwärther by Adams was composed after Adams had carefully read the printed work, and he does not in any way impugn its accuracy. Von Fürstenwärther says:

"I found him (Adams) extremely courteous and friendly toward myself. He listened to me at first with great attention, and later interrupted me frequently in my remarks. I gave him your pamphlet. On my second visit he asked me if I had any instructions; I deemed myself in duty bound to answer this truthfully, and declared that I was ready to exhibit them to him. What he answered was in substance as follows: 'The Government until now had been of the opinion that the European States, and particularly the German governments, did not like to see emigration going on, and for political reasons, in order not to disturb friendly relations, had not directly encouraged the same, or *had sought to avoid the appearance of seeming to encourage the same*. If, however, one were certain that the German princes would

Rush's *Account of the Manners of the German Inhabitants of Pennsylvania* and Prof Learned's works, to mention some of the most helpful studies of early German immigration to the United States. Mr. L. P. Hennighausen's paper on *The Redemptioners and the German Society of Maryland* in the above cited report of the Society for the History of Germans in Maryland, reproduces contemporary advertisements for the sale or hire of German redemptioners, as also an offer of a \$50 reward for an absconding redemptioner. It also reproduces an Act of Maryland of February 16, 1818, "relative to German and Swiss Redemptioners" and providing for their protection, and it is substantially correct to say that aid to the immigrants was then afforded almost exclusively by such German Immigrant Aid Societies, the German societies being more earnest and influential than the others at this period. The Pennsylvania German Society was the parent society, having been founded in 1764, the bulk of the German immigration being bound for Philadelphia at this period. It secured the enactment of a law to protect the immigrants in 1765 and another more stringent one in 1818. The Maryland Society secured enactment of a similar Maryland law, and the New York Society also from time to time secured suitable N. Y. legislation. There seems to be no doubt that von Fürstenwärther and the circumstance of his mission stimulated German activity after his arrival here in the direction of greater protection for the immigrants in the various cities specified, and as will be further noted presently, the Pennsylvania and Maryland laws of 1818 and the Federal Law of 1819 were agitated for largely at his instigation.

not place obstacles in the way of immigration, one might be more disposed to co-operate with them, but, he added, more on account of sympathy for the immigrants themselves. For, be it principle and conviction or national vanity, people have, or affect in general in America, a great indifference to foreign immigration, and seem to be of the opinion that the population of the United States would increase enough without the same."

The Treaties of Paris and Vienna had been signed subsequent to John Quincy Adams' return to the United States from the Prussian mission at the beginning of Jefferson's administration, and he was probably not familiar with the change of attitude following those treaties.

Von Fürstenwärther reported that out of 4,000 persons who had arrived at Philadelphia on 17 vessels between July and December, 1817, 1,700 had been bound out for their passage money; of these, two-thirds remained in Pennsylvania, the remainder going chiefly to Ohio. Dutch ships were principally engaged in carrying immigrants to America at this time, though occasionally also American, Swedish, Russian and English vessels; they were inferior ships, the American being the best. Under a Pennsylvania local law, the captains were obliged to provide for the passengers aboard ship and there were other protecting provisions. The term of service varied between two and four years, depending on the circumstances, and children of tender years went free with the parent. The Pennsylvania protective law was good, but is not fully observed, particularly not by foreign vessels. Philadelphia, New York and Baltimore are the chief ports for the traffic. He mentioned the interesting fact, the significance of which has been overlooked, that the New York statute requiring vessels to give bond for each immigrant brought over, against his becoming a public charge (Rev. Stat. of N. Y. of 1813, Vol. II, p. 440), led to the preference of Philadelphia over New York by shipowners, while on the other hand, immigrants going to New York were of a better class. Von Fürstenwärther advised emigrants against going to Baltimore, which had no protective laws, and where familiarity with negro slavery begot worse treatment of the redemptioners, who in the South were described as "Dutch or White Slaves." He made some interesting observations about

the Redemptioner system, which, he points out, had many of the aspects and evils of slavery, while, on the other hand, it had the advantage of compelling the immigrants, during their servitude, to learn the language, customs, trades and pursuits of the locality, and to acquire local information, and they were then ready to become independent and succeed. The treatment of the redemptioners in Pennsylvania and the Western states, where there was no negro slavery, was good. Young people between 14 and 20 years old were in most demand. The history of German immigration to Pennsylvania is outlined by him, and he reports that it had increased since the American Revolution, and particularly since the European wars, and that half of the population of Pennsylvania is German or of German descent. He praises the then pending effort at colonization in the Illinois territory by the Irish society, which had in vain petitioned Congress for sale of lands on credit, and reviews various German, Swiss and French colonies in America, recently formed, and discusses the opportunities to secure land free or at low prices, and the land-office and its branches.

It is interesting to note the statement that the United States had reached a point in their national development when they were independent of immigration, and that the population doubled itself every twenty years. National vanity gave rise to the general assertion that the United States could dispense with immigration, he says; nevertheless, the immigrants were always welcome, a lack of labor continues, and the country would sorely feel the consequence, if immigration were suddenly to cease. The abject condition of the German immigrants impaired their opportunities, especially as regards those coming over in winter, and there was a general complaint regarding the looser moral standards of the immigrants of the last twenty to thirty years, which, he thought, might possibly be ascribed to the unhappy time of revolt and warfare, and the general deterioration in European morals.¹ He reports that the Germans

¹The general disposition to locate the golden age behind us, is to be noted at a time just preceding this "twenty-to-thirty-year period," too. In the report of Phineas Bond, British Consul at Philadelphia to his Foreign Office, he said in 1789 (*Am. Hist. Ass'n Repts.* 1896 I, p. 643): "An almost total stop has been lately put to migration hither from the

in America are in general personally esteemed, regardless of nationality or descent; and many are rich or well-to-do, and have distinguished themselves by their service to their fellow-citizens. Schneider (Snyder?), the last Governor of Pennsylvania, was of German descent, and offices and posts of distinction are open to them. In general, the German resident is esteemed because of his industry, frugality, domesticity, honesty and his quiet disposition, and particularly as an agriculturalist. Pennsylvania, he says, owes to him, her universally recognized pre-eminence over other States in the matter of an established agricultural system.¹ "Germans are preferred over the Irish and the French immigrants; with the last-named, the Americans cannot become friendly, and they are not liked personally, though people sympathize with the fate and the principles of that nation."

Von Fürstenwärther observes, that the German nation and

Palatinate and other parts of Germany, so that the few who now come hither from that country get into Holland by stealth and embark at Amsterdam and Rotterdam, and these are a very ordinary sort of people." In fact, German prohibitions and restrictions on emigration had existed in many sections for a long time. In his very interesting and useful article on "Auswanderung" with its valuable bibliography, v. Philippovich, writing in the *Handwörterbuch der Staatswissenschaft*, edited by Conrad, Elster, Lexis and Loening (3rd Ed. 1909, II, p. 263), enumerates restrictions upon German emigration, first by Hanover in 1753, then by Brunswick, Mecklenberg-Schwerin and the free cities, and Emperor Joseph II's complete prohibition of 1768, all of which were futile in view of the irresistible desire thus to escape oppression, even under a system of temporary servitude, which is said to have furnished America with half its population in colonial times. (See also fuller treatment in von Phillipovich's above cited book, Moenckmeier's *Die deutsche übersceische Auswanderung* (1912) and Prof. Faust's article and note on Swiss emigration in the October, 1916, issue of the *American Historical Review*, besides his and Prof. Learned's "Guides").

¹ Compare Benjamin Rush's contemporary tribute to the value of the Germans, particularly as agriculturists, written in 1789, and quoted with other works in my above-cited paper in the *Am. Economic Review*, Vol. IV. Prof. McMaster in his *History of the U. S.* (Vol. IV, p. 393) contrasts the German immigrant of this period to his advantage, with the Irish, and he calls (pp. 391-2) attention to the curious agitation which grew out of the action of the Postmaster General of the United States at this period, in calling upon all postmasters to report as to the state or country of their birth, and that of their clerks, which was described by many as an insult to the foreign-born and a fire brand of discrimination and discord. In Canandaigua, the newspaper refused to print the regulation, and the postmaster to obey it, and others followed suit, particularly in the West.

name were not esteemed; that the United States, though a new people, by reason of national vanity, surpassing that of Europe, “look with contempt upon those from whom emanate the first germs of her culture, and that there is particularly lack of regard for German, perhaps because of German lack of unity. The people of the United States are accustomed to judge by the culture, character and appearance of the individuals they see on their shores, the masses of whom are not calculated to create a more favorable opinion. The number of cultured Germans who visited or settled here has always been small, and the inferior condition of the immigrants of the last few years, aggravates this.” He goes on to say that twenty or thirty years previously, the American or Englishman travelling in Pennsylvania, not conversant with German, had serious difficulties in making himself understood, but this had since greatly decreased, despite the increasing immigration, and during the past ten years the German language had declined in America, and there was a strong tendency toward English. The Germans residing in the U. S., themselves no longer preferred German, and even the German Society wanted to conduct its proceedings in English, though Pennsylvania still maintained nineteen German newspapers and there were two more in Ohio and Maryland, respectively. He comments on the general religious tolerance prevailing. He notes that attachment to Germany on the part of her former subjects is disappearing, and they become zealous democrats and peaceful citizens of the United States. He concludes that good opportunities still exist for the German immigrant, though not as favorable as before. On the other hand, he dilates upon the troubles and dangers of the trip and its many difficulties and set-backs, and particularly those arising from unfamiliarity with the land and the language, making success for the immigrants very doubtful, especially at that time, and as long as the draw-backs were not removed or mitigated. He points out, moreover, that America’s advantages are generally exaggerated in Germany. He concludes, however, that there is still room and opportunity for millions of immigrants in the United States, especially for agriculturalists and handicraftsmen. He argues, that culture

is missing in the U. S., and not dreamt of; instead of aesthetic sense and ennobling elements, he encountered crass materialism and sordidness, and complains that Americans did not know the spiritual freedom (*Scelenfreiheit*) of Europe, especially of Germany. As to these comments, more, anon, in connection with criticisms of his views by Edward Everett and John Quincy Adams.

As already remarked, von Fürstenwärther stimulated and contributed towards the enactment of Pennsylvania and Maryland local statutes for the protection of immigrants, and also towards the passage of the federal act of March 2, 1819, the first federal law regulating passenger transportation. The latter deserves more particular attention here, and he refers to its pendency very early in the day. This law is generally regarded as having ended the redemptioner system, by reason of its limitation upon the number of passengers that might be carried on ocean-bound vessels, and its provisions for victualing and reporting, making the business as hitherto conducted, unprofitable. Seidensticker in his "*Geschichte der Deutschen Gesellschaft von Pennsylvania*" (p. 111), called attention to the fact that that Society on January 12th, 1818, appealed to Congressman Sergeant of Philadelphia to bring about appropriate federal legislation, and that Congressman McLane of Delaware introduced the bill which was enacted, as amended, on March 10, 1818. Von Fürstenwärther's prior interview, about Dec. 1817, with John Quincy Adams has already been referred to, and it should be remembered that the latter had had occasion to familiarize himself with the earlier English Act of 1803, upon which the American statute was based, and to discuss its operation with the British Foreign Office in 1816 and 1817 (J. Q. Adams' *Memoirs* III, 305-7, 476-7; Johnson, *supra*, pp. 101-3). Moreover, William Wirt, the Attorney General of this administration, was a son of a Swiss immigrant, and a German mother. He resided in Baltimore, and subsequently started a colony for German immigrants in Florida, as Kennedy's biography of him points out. *Niles' Register*, (Vol. 13, p. 373) reports that on January 20, 1818, on motion of Mr. Forsyth, the House Committee on Commerce and Manufactures was instructed to in-

investigate the subject of limiting the number of passengers to be brought into the United States by American and foreign vessels, according to the tonnage of the vessels. On March 10, 1818 Mr. McLane, of this Committee, reported a bill on the subject (*Annals of Congress*, Vol. 31, p. 1222), which, as amended, became a law in 1819. The only debate regarding it that has been preserved in the "*Annals of Congress*" is the statement concerning it made by Mr. Newton in the House of Representatives on December 16, 1818, (*Id.* Vol. 33, pp. 4141-5) as follows:

"The bill to regulate passenger ships and vessels came next in order.

"Mr. Newton explained the necessity of this bill and the nature of its provisions. The great object of it was, he said, to give to those who go and come in passenger vessels, a security of sufficient food and convenience. In consequence of the anxiety to emigrate from Europe to this country, the captains, sure of freight, were careless of taking the necessary quantity of provisions, or of restricting the number of passengers to the convenience which their ships afforded. To show how necessary such a bill as this had become, one or two facts would suffice. In the year 1817, five thousand persons had sailed for this country from Antwerp, etc., of whom one thousand died on the passage. In one instance a captain had sailed from a port on that coast with one thousand two hundred and sixty-seven passengers. On his voyage he put into the Texel, previous to doing which four hundred had died. After being on the passage to our shores, before the vessel arrived at Philadelphia, three hundred more had died. The remainder, when the vessel reached Newcastle, were in a very emaciated state from the want of water and food, from which many of them afterwards died. Many other cases might be stated, but these would suffice to show the absolute necessity of provision, such as those of this bill. The bill restricted the number of passengers to two for every five tons' burden of the vessel. In Great Britain, formerly, but one had been allowed to every five tons; but now, one to every three tons. The committee had been of opinion that the scale of one to every two tons and a half would afford every necessary accomodation. With regard to the other sections of the bill, they were generally similar to those of the act respecting seamen, by which a captain is obliged to take on board a certain quantity of water and bread for each seaman employed.

No objection being made to the bill, it was ordered to be engrossed for a third reading."

But this federal law seems to have been frequently evaded, and doubts were then entertained as to its validity as applicable

to foreign vessels, so that the regulative measures abroad, above referred to, growing out of von Fürstenwärther's mission, were of great importance, and doubtless largely account for the heavy decline in immigration for some years after the federal law was enacted.

It is apparent that von Fürstenwärther was by no means free from a "certain condescension" toward foreigners, which Lowell satirized at a later period, and that sarcastic comments regarding his utterances by Edward Everett in the review of his work, were not unjustified, Everett, however, in turn yielded to the temptation himself, and some of his criticisms were scarcely just. Everett refers to the exculpatory statement made by von Fürstewärther himself in the second number of the Philadelphia *Amerikanische Ansichten*, that his letters were not intended for publication, and to the criticism of a New York paper, entitled *Deutscher Freund*, regarding our author's aristocratic point of view. Edward Everett, just returned from a trip to Europe, which included a stay in Germany, particularly castigates our author for his comment about the supposed lack of aesthetic sense and of the "higher freedom of the soul" in America, alleged to be present in Germany, and well says (p. 19):

"We apprehend that it is precisely those fine moral comforts which are wanting 'in Europe, nay, we say it boldly, in Germany most of all.' In some parts of Europe there is more wealth, in most there is more artificial refinement and more learning than in America; but in none is there much freedom, either of soul or body; most in England, but not enough there. The tyranny is of a different kind in different places. In one it is the disproportionate wealth of the aristocracy, as in England, and in one it is the unbalanced despotism of the government, as in Germany, but in all it is freedom, liberty, confidence, equality of rights, where there is equality of merit, which are wanted; a want which is poorly supplied by pictures and statues, by fleets and armies, nay, by fine poetry and prose; though these are excellent in their way."

Soon after his book was published, von Fürstenwärther sent a copy to John Quincy Adams, with an appropriate letter of transmittal, and he appears to have inquired about the possibility of securing a federal appointment in the United States. Adams, in reply, addressed to him a very interesting letter regarding immigration to the United States (dealing of

course with the immigrants antedating the revolution of 1848) which was printed repeatedly in contemporary newspapers thereafter, both here and abroad, and a long extract from it was added by von Gagern as an appendix to his work *Mein Antheil an der Politik*," (III, pp. 251-6). It is unfortunately omitted from Mr. Worthington C. Ford's edition of John Quincy Adams' correspondence. Several early works on America in German, published both here and abroad, repeated the letter in part, and with unqualified approval of its contents. As garbled reports of the letter were being published, its exact text was printed in Niles' Register, Vol 18, p. 157, on April 29th, 1820, and it is reprinted here from that periodical, with the explanatory note from that paper prefaced to it.

In the phrase "The United States has never adopted any measure to encourage or invite emigration from any part of Europe," in the letter from Adams to von Fürstenwärther, we can recognize the hand of the citizen of New England, which section has never been as much inclined to welcome immigrants, as other portions of our country, as also that of the Secretary of State, cautious to avoid embroiling us with countries of Europe, by taking a course that might interfere with their own laws against emigration, which Adams had verbally discussed with von Fürstenwärther. It is, however, doubtful, if this statement was correct when written, and it certainly became incorrect before long. Even previously, Jefferson had been elected President on a platform which set forth the since repeatedly-reiterated American doctrine of right of asylum for the persecuted, and opposition to the Alien and Sedition Laws, and in his Presidential Message of 1801 he had employed the classical phrases: "Shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our forefathers arriving in this land? Shall oppressed humanity find no asylum on this globe?" Still earlier, in the Declaration of Independence, one of our grievances against England there formulated, was her refusal to pass laws to encourage the immigration of foreigners, and in August, 1776, Congress had adopted a comprehensive report in favor of encouraging immigration. Subsequent

to this letter, John Quincy Adams, in his *Memoirs* (VI, 224) himself records a conversation which he had with Henry Clay on December 2, 1823, in the course of which Clay said:

“He (Clay) said he had thought of offering a resolution to declare this country an asylum for all fugitives from oppression, and to connect with it a proposal for modifying the naturalization law, to make it more easily attainable. The foreigners in New York are petitioning Congress to that effect, and Clay will turn his liberality towards them to account.”

This was before Congress enacted the act of July 27, 1868, which became Sec. 1999 of our Revised Statutes, declaring that “the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty and the pursuit of happiness * * * * in the recognition of (which) principle this Government has freely received emigration from all nations and invested them with the rights of citizenship,” and which recites that declarations inconsistent therewith are “inconsistent with the fundamental principles of the Republic.” (See an account of the history leading up to this declaration, in Prof. John B. Moore’s essay “The Doctrine of Expatriation in his *American Diplomacy*, pp. 168-199, especially pp. 181-8, and McMaster’s *With the Fathers*, pp. 87-106). Prof. Thomas W. Page even points out, in writing on “Causes of European Immigration to the United States” (*Journal of Political Economy*, Vol. 19, pp. 676-93), that our ministers abroad have been repeatedly instructed to endeavor to secure the removal of obstacles presented by foreign legislation, to immigration to our shores, and this was particularly noticeable in connection with the treaties with German states, negotiated by Henry Wheaton, by which German states repealed their taxes on emigrants, the so-called *droit d'Aubaine* and *droit de detraction*, in exchange for concessions which we made to them, (*Moore’s International Law Digest*, 158; Lawrence’s sketch of Wheaton in the 6th Edition of *Wheaton’s Elements of International Law*, pp. 110-112, and the works by Prof. Learned and von Phillipovich above cited.) One-time Congressional efforts to encourage immigration are also considered by Prof. Page, and in the *History of Immigration Investigation and Legislation* prefixed to the U. S. Senate

Report on Immigration of February 22, 1893 (Senate Report No. 133 of the 52d Cong. 2nd Session, pp. 9-17) and Vol. 39 of the reports of the Immigration Commission, entitled "Immigration Legislation." See also utterances of English authorities on the same subject in Parliament, collated in a paper by the present writer on "The Immigration Problem and the Right of Asylum for the Persecuted," reprinted in "Hearings before the House of Representatives' Committee on Immigration and Naturalization, 63 Cong., 2nd Session, December 11th and 12th, 1913, pp. 199-210, and compare my paper "*The Right of Asylum with Particular Reference to the Alien*" in the *Am. Law Review*, May-June, 1917.

LETTER FROM JOHN QUINCY ADAMS
TO MORITZ VON FUERSTENWAERTHER.
(From *Niles' Register*, April 29, 1820.)

(The letter, of which the following is a copy, appears to have been published in a German translation at Augsburg; whence, by a re-translation, it has appeared in some of the English gazettes, and from them been extracted into some of the newspapers in this country. In its double transformation it has suffered variations not supposed to be intentional, nor perhaps important, but which render the publication of it proper, as it was written. It has been incorrectly stated to be an answer in the name of the American government. It was indeed written by the Secretary of State, as it purports, in answer to an application from an individual and respectable foreigner, who had previously been employed by the baron de Gagern, to collect information concerning the German emigrants to the United States, and to endeavor to obtain encouragements and favors to them from his government. Upon that mission he had been particularly recommended to Mr. Adams, to whom a printed copy of his report to the Baron de Gagern had afterwards been transmitted. There are several allusions to the report, in this letter, which was an answer to one from Mr. Fürstenwärther, intimating a disposition to become himself an American citizen; but suggesting that he had offers of advantageous employment in his native country, and enquiring whether, in the event of his settling here, he could expect any official situation in the department of state, or any other under the government.)

"Department of State,

Washington, 4th June, 1819.

SIR:—I had the honor of receiving your letter of the 22d April, enclosing one from your kinsman, the Baron de Gagern, and a copy of your printed report, which I hope and have no doubt will be useful to

those of your countrymen in Germany, who may have entertained erroneous ideas, with regard to the results of emigration from Europe to this country.

It was explicitly stated to you, and your report has taken just notice of the statement, that the government of the United States has never adopted any measure to *encourage* or *invite* emigrants from any part of Europe. It has never held out any incitements to induce the subjects of any other sovereign to abandon their own country, to become inhabitants of this. From motives of humanity it has occasionally furnished facilities to emigrants who, having arrived here with views of forming settlements, have specially needed such assistance to carry them into effect. Neither the general government of the union, nor those of the individual states, are ignorant or unobservant of the additional strength and wealth, which accrues to the nation, by the accession of a mass of healthy, industrious, and frugal laborers, nor are they in any manner insensible to the great benefits which this country has derived, and continues to derive, from the influx of such adoptive children from Germany. But there is one principle which pervades all the institutions of this country, and which must always operate as an obstacle to the granting of favors to new comers. This is a land, not of *privileges*, but of *equal rights*. Privileges are granted by European sovereigns to particular classes of individuals, for purposes of general policy; but the general impression here is that *privileges* granted to one denomination of people, can very seldom be discriminated from erosions of the rights of others. Emigrants from Germany, therefore, or from elsewhere, coming here, are not to expect favors from the governments. They are to expect, if they choose to become citizens, equal rights with those of the natives of the country. They are to expect, if affluent, to possess the means of making their property productive, with moderation, and with safety;—if indigent, but industrious, honest and frugal, the means of obtaining easy and comfortable subsistence for themselves and their families. They come to a life of independence, but to a life of labor—and, if they cannot accomodate themselves to the character, moral, political, and physical, of this country, with all its compensating balances of good and evil, the Atlantic is always open to them, to return to the land of their nativity and their fathers. To one thing they must make up their minds, or, they will be disappointed in every expectation of happiness as Americans. They must cast off the European skin, never to resume it. They must look forward to their posterity, rather than backward to their ancestors;—they must be sure that whatever their own feelings may be, those of their children will cling to the prejudices of this country, and will partake of that proud spirit, not unmingled with disdain, which you have observed is remarkable in the general character of this people, and as perhaps belonging peculiarly to those of German descent, born in this

country. That feeling of superiority over other nations which you have noticed, and which has been so offensive to other strangers, who have visited these shores, arises from the consciousness of every individual that, as a member of society, no man in the country is above him; and, exulting in this sentiment, he looks down upon those nations where the mass of the people feel themselves the inferiors of privileged classes, and where men are high or low, according to the accidents of their birth. But hence it is that no government in the world possesses so few means of bestowing favors, as the government of the United States. The governments are the servants of the people, and are so considered by the people, who place and displace them at their pleasure. They are chosen to manage for short periods the common concerns, and when they cease to give satisfaction, they cease to be employed. If the powers, however, of the government to do good are restricted, those of doing harm are still more limited. The dependence, in affairs of government, is the reverse of the practice in Europe; instead of the people depending upon their rulers, the rulers, as such, are always dependent upon the good will of the people.

We understand perfectly, that of the multitude of foreigners who yearly flock to our shores, to take up here their abode, none come from affection or regard to a land to which they are total strangers, and with the very language of which, those of them who are Germans are generally unacquainted. We know that they come with views, not to our benefit, but to their own—not to promote our welfare, but to better their own condition. We expect therefore very few, if any, transplanted countrymen from classes of people who enjoy happiness, ease, or even comfort, in their native climes. The happy and contented remain at home, and it requires an impulse, at least as keen as that of urgent want, to drive a man from the soil of his nativity and the land of his father's sepulchres. Of the very few emigrants of more fortunate classes, who ever make the attempt of settling in this country, a principal proportion sicken at the strangeness of our manners, and after a residence, more or less protracted, return to the countries whence they came. There are, doubtless, exceptions, and among the most opulent and the most distinguished of our citizens, we are happy to number individuals who might have enjoyed or acquired wealth and consideration, without resorting to a new country and another hemisphere. We should take great satisfaction in finding you included in this number, if it should suit your own inclinations, and the prospects of your future life, upon your calculations of your own interests. I regret that it is not in my power to add the inducement which you might perceive in the situation of an officer under the government. All the places in the department to which I belong, allowed by the laws, are filled, nor is there a prospect of an early vancancy in any of them. Whenever such vacancies occur, the applications from natives of the

country to fill them, are far more numerous than the offices, and the recommendations in behalf of the candidates so strong and so earnest, that it would seldom be possible, if it would ever be just, to give a preference over them to foreigners. Although, therefore, it would give me a sincere pleasure to consider you as one of our future and permanent fellow citizens, I should not do either an act of kindness or of justice to you, in dissuading you from the offers of employment and of honorable services, to which you are called in your native country. With the sincerest wish that you may find them equal and superior to every expectation of advantage that you have formed, or can indulge, in looking to them,

I have the honor to be, sir, your very obedient and humble servant,

JOHN QUINCY ADAMS.







